

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



February 11, 2004

Regulation Package #0303-06

CDSS MANUAL LETTER NO. CCL-04-06

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,  
CHAPTER 9, ADOPTION AGENCIES

**Regulation Package #0303-06****Effective 1/9/04****Section 89002**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/AdoptionAg\\_622.htm](http://www.dss.cahwnet.gov/ord/AdoptionAg_622.htm).

Current regulations that govern community care facilities are inconsistent in providing anti-discrimination protections for applicants seeking licensure or certification. These amended regulations provide consistent anti-discrimination policy for applicants by conforming to existing anti-discrimination laws.

These regulations were considered at the Department's public hearing held on July 16, 2003.

**FILING INSTRUCTIONS**

**Revisions to all manuals are indicated by a vertical line in the left margin.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-04-05. The latest prior manual letter containing Adoption Agencies regulation changes was Manual Letter No. CCL-03-02.

**Page(s)****Replace(s)**

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Page 1  
Pages 4 and 5

Attachments

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**CHAPTER 9. ADOPTION AGENCIES****Article 1. LICENSE****89001 LICENSE REQUIRED****89001**

- (a) No individual, organization or county shall place persons for adoption without first obtaining a license from the Department.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1506, 1508, 1530 and 1531, Health and Safety Code.

**89002 NONDISCRIMINATION****89002**

- (a) Any adult shall be permitted to apply for a license regardless of age, sex, race, religion, color, political affiliation, national origin, disability, marital status, actual or perceived sexual orientation, or ancestry.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1508, 1530, and 1531, Health and Safety Code; and Section 51, Civil Code.

**89004 AGENCY ELIGIBILITY FOR LICENSURE****89004**

- (a) Each agency shall conform to all applicable rules and regulations of the Department and shall make provision for resources, either in the agency or in the community, for support of persons accepted for care; and for medical and psychiatric services for persons as needed. The agency shall coordinate its services with other community social services.
- (b) The following types of agencies shall be subject to licensure:
- (1) County Adoption Agency. A county adoption agency shall be designated by the county Board of Supervisors as the single public adoption agency in the county through which adoption services will be offered. When a county is planning to make application to provide adoption services, the county shall file with the Department a letter of intent or resolution signed by the chairman of the Board of Supervisors authorizing the chairman to sign the application and to enter into agreements with the Department.

<b>89004</b>	<b>AGENCY ELIGIBILITY FOR LICENSURE</b> (Continued)	<b>89004</b>
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- (2) Private Adoption Agency. A private adoption agency shall be organized and operated on a nonprofit philanthropic basis.
- (c) An adoption agency shall be considered for licensure only if there are no other licensed adoption placement services available in the community or if the services provided by the other adoption agencies are not sufficient to serve the parents applying for service or the children who are in need of it. The agency shall make provision for resources in the community from which to obtain financial assistance, including medical and hospital expenses, for mothers who need it; support of children accepted for study or awaiting adoptive placement; and adequate number of foster homes for children under study or awaiting adoptive placement; and medical and psychiatric services for children as needed.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1506, 1508, 1530 and 1531, Health and Safety Code.

<b>89010</b>	<b>PLACEMENT OF PERSONS IN NONLICENSED FACILITIES BY A COUNTY AGENCY</b>	<b>89010</b>
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Repealed by Manual Letter No. CCL-93-08, effective 10/30/93.

<b>89013</b>	<b>LICENSING PROCEDURE-APPLICATION FORMS</b>	<b>89013</b>
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Application for a license as an adoption agency shall be filed in duplicate on forms prescribed by the Department.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

<b>89016</b>	<b>LICENSING PROCEDURE--LOCATION</b>	<b>89016</b>
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Public and private adoption agencies shall apply to Department headquarters.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

**89019 APPLICATION FOR LICENSURE****89019**

- (a) A new application from a public agency shall be signed by the chairman of the Board of Supervisors of the county, and a copy of the resolution of the Board authorizing the chairman to sign the application shall be attached. In authorizing the application, the Board shall show its intent to operate the adoption program in full conformity with the statutes and the Department regulations.
- (b) A new application from a private agency shall be signed by the presiding officer of the Board of Directors and the executive officer of the agency, if already appointed, or a second officer of the Board of Directors if the executive officer has not yet been appointed. A copy of the authorization by the Board to its representative to apply for such a license shall accompany the application.
- (c) An adoption agency application shall be in the legal name of the agency, stating the geographic area to be served and the adoption services for which the license is requested. A licensed county adoption agency may regularly serve children, parents and applicants in an unlicensed county subject to prior approval from the Department and a written agreement between the Boards of Supervisors of the counties concerned. A copy of such agreement shall be filed with the Department with the request for approval. However, the request for approval shall be unnecessary if adoption service provided in another county is performed only occasionally and infrequently.

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